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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/058,960      | 01/30/2002  | Masahiko Yahagi      | Q68321              | 4641             |

7590 04/11/2005  
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Washington, DC 20037-3213

EXAMINER

PHAN, HUY Q

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2687

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,960

Applicant(s)

YAHAGI, MASAHIKO

Examiner

Huy Q Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4,6-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4,6-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/16/05-12/30/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 01/14/2005.  
Claims 2-4, 6-8 and 10-19 are still pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 2-4, 6-8 and 10-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2, 3, 6, 7, 10, 11 and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ovesjo et al. (US-2002/0160785).

Regarding claim 2, Ovesjo et al. disclose a method of establishing a connection to a desired communications network (fig. 1 and [0035]-[0045]), comprising the steps of:  
sending a request signal to each of a plurality of communications networks  
[0036];

receiving response signals from said communications networks ([0036]-[0037]);  
indicating the received response signals [0037];  
allowing a user to select one of said plurality of networks based on the indicated response signals [0038]; and  
establishing a connection to the selected communications network [0038],  
wherein said response signals indicate traffic congestion level for each of said plurality of communications networks [0042].

Regarding claim 3, Ovesjo et al. disclose the method of claim 2, wherein said response signal indicates information concerning a communication service of each of said communications networks ([0036]-[0037]).

Regarding claim 6, Ovesjo et al. disclose the communication terminal (fig. 1, MT 30) comprising:

a network interface (MT 30 and [0031]) for sending a request signal to each of a plurality of communications networks and for receiving response signals from said communications networks [0036]; and

a user interface (MT 30 and [0031]) for indicating the received response signals to allow a user to enter a command signal based on the indicated response signals ("MT 30 requests" see [0036]) and selecting one of said plurality of networks according to the entered command signal (for handover from GSM network to UTRAN network see [0038]); and

said network interface establishing a connection to one of said plurality of networks which is selected by said user interface ("derived by MT 30", see [0038]-[0042]), wherein said response signals indicate traffic congestion level for each of said plurality of communications networks [0042].

Regarding claim 7, Ovesjo et al. disclose the communication terminal of claim 6, wherein said response signal indicates information concerning a communication service of each of said communications networks ([0036]-[0037]).

Regarding claim 10, Ovesjo et al. disclose a communication system (fig. 1, system 10) comprising:

a plurality of wireless networks (12 and 14), each of the wireless networks producing a response signal upon receipt of a request signal ([0035]-[0036]); and

a wireless terminal (MT 30 and [0031]) comprising:

a wireless interface (fig. 2, transceiver 33) for sending said request signal to each of said plurality of wireless networks and for receiving response signals from said wireless networks [0036];

a user interface (MT 30 and [0031]) for indicating the received response signals ([0036]-[0037]), allowing a user to enter a command signal ("MT 30 requests" see [0036]) based on the indicated response signals and selecting one of said wireless networks according to the entered command signal (for handover from GSM network to UTRAN network see [0038]), said wireless interface establishing a connection to one of

said wireless networks which is selected by said user interface ("derived by MT 30", see [0038]-[0042]), wherein said response signals indicate traffic congestion level for each of said plurality of communications networks [0042].

Regarding claim 11, Ovesjo et al. disclose the communication system of claim 10, wherein said response signal indicates information concerning a communication service of each of said communications networks ([0036]-[0037]).

Regarding claim 13, Ovesjo et al. disclose the method of performing a handover operation (fig. 1 and [0035]-[0045]), comprising the steps of:

    sending a handover request signal to each of a plurality of wireless networks ([0036]-[0037]);

    receiving a response signal from each of said plurality of wireless networks ([0036]-[0037]), the response signal of each wireless network indicating traffic congestion level of the network [0042];

    selecting one of said plurality of wireless networks based on response signals received from said wireless networks (for handover from GSM network to UTRAN network see [0038]); and

    establishing a connection to the selected wireless network [0038].

Regarding claim 14, Ovesjo et al. disclose a mobile terminal (MT 30 and [0031]) comprising:

a wireless interface (fig. 2, transceiver 33) for sending a handover request signal to each of a plurality of wireless networks and receiving a response signal from each of said plurality of wireless networks ([0036]-[0037]), the response signal of each wireless network indicating traffic congestion level of the network [0042]; and

control circuitry (fig. 2, control unit 31) for selecting one of said plurality of wireless networks based on the response signals received from said networks (for handover from GSM network to UTRAN network see [0038]), said wireless interface establishing a connection to the wireless network selected by the control circuitry [0038].

Regarding claim 15, Ovesjo et al. disclose the communication system (fig. 1, system 10) comprising:

a plurality of wireless networks (fig. 1, 12 and 14), each of said networks producing a response signal upon receipt of a handover request signal which indicates traffic congestion level of the network ([0036]-[0037]); and

a wireless terminal (MT 30 and [0031]) comprising:

a wireless interface (fig. 2, transceiver 33) for sending said handover request signal to said wireless networks and receiving said response signals from said wireless networks ([0036]-[0037]); and

control circuitry (fig. 2, control unit 31) for selecting one of said wireless networks based on the received response signals (for handover from GSM network to UTRAN network see [0038]), said wireless interface establishing a connection to one of said

wireless networks which is selected by said control circuitry [0038].

Regarding claim 16, Ovesjo et al. disclose a method of establishing a connection to a selected network (fig. 1 and [0035]-[0045]), comprising the steps of:

receiving, at a first communications network (GSM network 12), a connection request from a user terminal [0036];

sending a request signal from said first communications network to a traffic management center (BSC 26; see [0038]-[0042] or network node; see abstract) if said connection request encounters a traffic congestion [0042]; and

sending a rerouting message from the center to said user terminal via said first communications network for identifying a second communications network (UTRAN network 14) whose congestion level is lower than a predefined threshold level [0038] to thereby allow a user to send a connection request to said second communications network ([0038]-[0042]).

Regarding claim 18, Ovesjo et al. disclose a communication system (fig. 1, system 10) comprising:

a traffic management center (BSC 26; see [0038]-[0042] or network node; see abstract); and

a plurality of communications networks (fig. 1, 12 and 14), a first one of the communications networks (GSM network 12) receiving a connection request from a user terminal (MT 30 and [0031]) and sending a request signal to said traffic



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management center (network node; see abstract) when a traffic congestion (second parameter see [0038]-[0042]) is encountered in said first communications network and receiving a rerouting message from said center ([0035]-[0045]), and sending the received rerouting message to said user terminal to allow a user to establish a connection to a network identified by the rerouting message ([0035]-[0045]), said traffic management center responding to said request signal by returning said rerouting message to said first communications network ([0035]-[0045]), the rerouting message identifying a second one of said networks (UTRAN network 14) whose congestion level is lower than a predefined threshold level [0038].

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 12, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ovesjo et al. in view of Ikeda et al. (US-2002/0082005).

Regarding claims 4, 8, 12, 17 and 19, Ovesjo et al. disclose all the limitations of the previous rejections. But, Ovesjo et al. lack to especially recite wherein said information indicates tariff of each of said communications networks and wherein said second communications network has a least routing cost. However in analogous art, Ikeda et al. teach wherein said information indicates tariff of each of said

communications networks (fig. 2 and its description) and the terminal being capable to select the cheapest system [0044]. Since, Ovesjo et al. and Ikeda et al. are related to the method of communication between the mobile terminal and plurality of wireless communication systems; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ovesjo et al. as taught by Ikeda et al. for purpose of allowing the user with capability of selecting the cheapest wireless communication network.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SONNY TRINH**  
**PRIMARY EXAMINER**

Examiner: Phan, Huy Q.

AU: 2687

Date: Apr. 08, 2005